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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,510	11/09/2000	Guang-Xue Wei	096990-026-157	5131
75	90 12/04/2002			
Sandra B. Weiss			EXAMINER	
JONES, DAY, REAVIS & POGUE 77 West Wacker Drive			TRUONG, DUC	
Chicago, IL 60601-1692			ART UNIT	PAPER NUMBER
			1711	6
			DATE MAILED: 12/04/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

			H <i>&gt;</i> _				
	Application No.	Applicant(s)					
· Office Action Summans	09/710,510	WEI ET AL.					
Office Action Summary	Examiner	Art Unit					
	Duc Truong	1711					
The MAILING DATE of this communication app Period for Reply	ears on the cover she	eet with the correspondence ad	Idress				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	36(a). In no event, however, or within the statutory minimum will apply and will expire SIX (6, cause the application to become services of the application to become services.	may a reply be timely filed  n of thirty (30) days will be considered timel  6) MONTHS from the mailing date of this come ABANDONED (35 U.S.C. § 133).	ly. ommunication.				
1) Responsive to communication(s) filed on 19 A	November 2002 .						
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ Th	is action is non-final.						
3) Since this application is in condition for allowed closed in accordance with the practice under a Disposition of Claims			ne merits is				
4)⊠ Claim(s) <u>1-33</u> is/are pending in the application	ı.						
4a) Of the above claim(s) is/are withdraw		n.					
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-33</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	r election requiremer	nt.					
Application Papers							
9) The specification is objected to by the Examine							
10)☐ The drawing(s) filed on is/are: a)☐ accep		•					
Applicant may not request that any objection to the							
11) The proposed drawing correction filed on			er.				
If approved, corrected drawings are required in rep 12) The oath or declaration is objected to by the Ex-	•						
,	ammer.						
Priority under 35 U.S.C. §§ 119 and 120		0.0.0.440(:).(-1)(0					
13) Acknowledgment is made of a claim for foreign	prioπy under 35 U.	S.C. § 119(a)-(d) or (f).					
a) All b) Some * c) None of:	a hawa haan saasiyas	4					
1. Certified copies of the priority documents							
<ul><li>2. Certified copies of the priority documents</li><li>3. Copies of the certified copies of the priority</li></ul>			Stone				
<ul><li>3. Copies of the certified copies of the prior application from the International But</li><li>* See the attached detailed Office action for a list</li></ul>	reau (PCT Rule 17.2	(a)).	Stage				
14) Acknowledgment is made of a claim for domestic	c priority under 35 U.	S.C. § 119(e) (to a provisiona	l application).				
a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domesti	* *						
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3	5) 🔲 Noti	rview Summary (PTO-413) Paper No ice of Informal Patent Application (PT er:					
C. Detect and Trademad. Office							



Application/Control Number: 09/710,510

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## **DETAILED ACTION**

The restriction in the last Office action is hereby withdrawn in view of Applicant's

Amendment.

## Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-64 of copending Application No. 09/710,560. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between two applications are the fluorescent dye and the polymeric resin matrix of the instant claims are not in the fluorescent polymeric layer and the ultraviolet light screening layer, as in the claims of the reference.

However, the instant claims do disclose said layers in claims 26-27 and the required reactants, as required in the claims of the reference. Therefore, it would have been obvious to one of ordinary skill in the art to combine these components of the instant claims, as stated above, to form the claims of the reference since they have





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been shown to be effective in a similar system and thus would have been expected to provide adequate results. There is no showing of unexpected results derived from said combination.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 703-308-2437. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9791 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

DT

November 26, 2002

DUCTRUONG PRIMARY EXAMINER